

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF TENNESSEE

Advanced Concrete Tools, Inc.

Plaintiff

v.

Herman W. Beach and
Manown Engineering Co., Inc.,

Defendants

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Civil Action No. 3:10CV1139

Judge Haynes

*ON SE
This motion
is DENIED
without prejudice
to pursue
these
issues
on
discovery*

HERMAN W. BEACH'S EXPEDITED MOTION FOR ACCOUNTING,
DISGORGEMENT AND TURNOVER

COMES NOW defendant/counterclaimant Herman W. Beach ("Beach") who pursuant to Fed. R. Civ. P. 7(b) moves this court for an accounting property upon which execution was made by the plaintiff pursuant to the Final Order entered by this Court on May 2, 2012 (Dkt. No. 65) and for the disgorgement and turnover of that property. The Final Order (Dkt. 65) was reversed by the United States Court of Appeal for the Sixth Circuit on May 1, 2013. *See* Dkt. 77. Neither plaintiff nor its counsel are entitled to retain the property. Beach is concerned that the property is not being held by plaintiff's counsel and has, instead, been disbursed and distributed by plaintiff's counsel to the plaintiff.

Beach suggests that a reasonable time for the accounting, disgorgement and turnover of the property is seven days.